

**BOARD OF SELECTMEN
MEETING MINUTES
March 31, 2003**

PRESENT: THOMAS C. REYNOLDS JR, CHAIRMAN; DOUGLAS R. COOK, Co CHAIRMAN, LEON G. METHOT, SELECTMAN; LAURA PETRAIN, SELECTMAN.

GUEST: Jeanne Campbell, Rod Wilson, Frank Campana, Gordon E. Williams, Gary Chicoine, Stephen W. Burnell, Kelly Lineberry, Evelyn M. Connor, Paul Boisvert, Chris Bolton, Burt Brown, Paul Dugas, Ginger Esenwine, Forrest Esenwine, Dennis Lydon, Kelly Bumpus.

The Selectmen's Meeting was held at the Town Office Building. Chairman Reynolds commenced the meeting at 6:30 p.m.

Chairman Reynolds asked that everyone stand for the pledge of allegiance.

1. PUBLIC PARTICIPATION

Rod Wilson – Mr. Wilson asked the Board if anything has been done regarding selectman restriction he spoke on last week. Chairman Reynolds stated that it has been clarified and has been eased a bit. Mr. Wilson also asked the Board about the \$50,000.00 the Board was going to request from the Department of Revenue for Burpee clean up. Chairman Reynolds stated that it has been approved, but is pending so they cannot discuss it any further at this point.

Jonathan Wallace – Mr. Wallace addressed the Board concerning internet cable modem with regards to Comcast. Stated that the original upgraded modem apparently had something wrong with it and another has been sent. Stated customer now needs to return the defective equipment. Felt it was an annoyance that the customer needs to take the time to return their defective equipment. Mr. Wallace then stated that he had originally asked the Board to spend up to \$800.00 for virus protection and now it will require up to \$1,300.00. Stated the reason for this is they thought they had 20 computers, but have 24. Mr. Wallace stated that the first year will cost \$1,272.72 which includes a perpetual license for the software engine and technical support. Any upgrades are automatically sent, and each additional year the cost will be \$7.25 per computer. Stated that this is a larger cost up front, but savings down the line. Mr. Wallace requested the Board make a decision on this at some point this evening. Mr.

Wallace then stated that they had taken money out of budget surplus for a computer for the Town Clerks office. Stated there is now a need for 2 computers. Stated quote from Dell is \$665.00 per computer, without monitors. Requested Board also make a decision on this at some point in the evening so he can move forward.

Evelyn M. Connor – Ms. Connor stated that the old computer in Town Clerk's office is slated to go to the transfer station. Stated that they would like to keep it in the office, but the original agreement was that the transfer station would receive it and is fine with that. Ms. Connor then stated that the rabies clinic is April 9th, between 6:00 p.m. and 7:00 p.m. Also, from 7:00 p.m. to 7:30 p.m. the office will be open for dog licenses only. Dog licenses are due by the end of April to avoid a \$25.00 fine.

Jeanne Campbell – Ms. Campbell addressed the Board regarding new whisky barrels for the center of town. Stated that this year they have deteriorated to the point where they cannot be filled this year. Stated that she believes that they cost around \$10.00 each and there are ten barrels, for a total of \$300.00. Selectman Methot volunteered to donate the money needed for the replacement of the whisky barrels. Selectman Methot was thanked by Ms. Campbell and the Board. Ms. Campbell then addressed the issue of the flowers for the barrels. Stated that along with that Weare Garden Club, they have raised some funds for flowers but more is needed. Selectman Methot suggested that Ms. Campbell approach the Economic Development Committee and Parks and Recreation Commission for help in this matter.

Frank Campana - Mr. Campana asked the Board how many Police Officers are budgeted for? Selectman Methot stated there are eight positions including the Police Chief. Mr. Campana then asked how many positions are currently open? Selectman Petrain stated that according to Chief Rigney, there is one position open not including a school resource officer.

2. SAFETY COMPLEX

Board met with Mr. Steve Burnell and Kelly Lineberry of Chicoine Construction regarding cost of Safety Complex. Mr. Burnell stated that Ms. Lineberry is going to present package with guaranteed maximum price including all the bids from sub contractors. Stated that package will include suggested bids. Total budget is less than 1.1 million. Includes everything needed for the complex. Does not include utilization of Highway Department which will bring cost down. Ms. Lineberry went over package with the Board. Included in the site work figure is a well allowance of \$1,645.00, and landscaping allowance of \$10,000. Ms. Lineberry stated that total includes construction management fee which is 7% of the cost. Stated the last page of the package is the Chicoine Construction contract. Ms. Lineberry stated that they have

discussed value engineering in the past, and did do that in 2 mechanical areas. Ms. Lineberry also stated that they will be using Country 3 Corners for lumber and that they were very competitive in their pricing. Selectman Petrain asked Ms. Lineberry about unforeseen conditions mentioned in the package. Ms. Lineberry stated that it refers to hitting ledge or water. Selectman Petrain questioned cost of permits. Ms. Lineberry asked if town was going to wave permit fees. Board agreed that the permit fees would be waved. Mr. Burnell stated that as far as they are aware of, any permits needed for site work have been previously acquired. Chairman Reynolds asked for an estimated completion date. Ms. Lineberry stated that it will take 180 days and a start date no later than April 15, 2003. Ms. Lineberry then stated that they will come before the Board once a month with spreadsheet of current cost to date. Stated that there is room for savings throughout the project. Mr. Burnell stated that they are hoping that the Board will nominate someone to represent the Board on site on a regular basis. Someone that can get answers quickly if needed. Selectman Cook stated that he would like to be that person if there are no objections. Mr. Burnell then requested Board look over information and sign contract. Selectman Methot stated that Board is not ready to sign contract that evening. Chairman Reynolds stated that contract needs to go to the attorney to be looked over. Chairman Reynolds stated that contract will be sent to the attorney and Board should have it back next week.

3. GRAVEL PIT RENEWALS

Chairman Reynolds stated the Board will be dealing with the River Road permits this week, and the remainder next week. Selectman Methot asked if there were permits issued in October? Board had discussion regarding last time permits were renewed and changing the renewal date to coincide with Assessor. Selectman Methot stated the Board will need to have a public hearing to change dates in the ordinance. Selectman Methot then stated that he was wrong, and Mr. Bolton was correct regarding his vested rights permit. Stated that Mr. Bolton does not have to renew his permit every year. Chairman Reynolds stated that he does not see anything stating that the gravel pits are in compliance. Selectman Cook stated that the reason the date was extended was to give assessor time to inspect, and make sure everyone was in compliance. Selectman Cook then stated that since Mr. Nichols is not here, Board will have to assume everything is in compliance. Selectman Pertain questioned Chairman Reynolds as to whether Board was going to discuss truck traffic. Chairman Reynolds stated he does not believe they can address that issue at this time. Selectman Methot stated that the ordinance does not really cover truck traffic, and is not an issue you can address with permit renewal. Selectman Pertain stated she is in agreement with Selectman Cook that if there are no issues the Board is aware of they will have to assume that they are in compliance. Chairman Reynolds stated that Board can approve the renewals pending checking with the assessing department. Selectman

Petrain stated that she feels addressing truck traffic issue, Board should set a separate time aside and get the public in for their input. Also Board will want to make sure Mr. Carl Knapp is here. Selectman Methot stated that it is hard to regulate how many trucks are allowed on a road. Selectman Petrain stated that it is a matter of assuring public safety. Mr. Chris Bolton asked the Board if there has been an issue with public safety? Selectman Petrain stated that she believes the major issue is the amount of truck traffic. Mr. Bolton stated that River Road is the same width as Route 114, and asked why the only issue in this state is River Road? Mr. Paul Dugas stated that they make it a point to police their trucks, and have radioed trucks to tell them to slow down. Also stated that if Board decided to limit the trucks, it is just going to prolong the time needed to haul the materials. Mr. Chris Bolton stated that the gravel industry is a major contributor of employment in this Town. Asked when are they going to stop being picked out and start being thanked? Mr. Dennis Lydon stated that at the time of his company name change, his truck load limit was changed from 40 to 10. Stated that he was informed that due to him being at meeting in person, Board stated that they would change his limit then, and deal with everyone else on March 31st. Mr. Lydon then stated he now understands that the issue will not be dealt with this evening, so the only pit that has had their limit lowered was his. Chairman Reynolds stated that it was an incorrect statement at the time, and the Board's vote at the time and Mr. Lydon can request a hearing to make another change if he desires. Mr. Lydon stated that the number of truck loads he was given had nothing to do with his pit and hadn't hauled out of it in three years. Stated that change was made based on truck traffic of other pits. Chairman Reynolds stated that unfortunately the decision was made in a public hearing and will need another one to make a change. Mr. Bolton asked Mr. Lydon if it was correct that he did not haul for three years. Mr. Lydon responded that he has hauled a total of 175 tons in the last three years. Mr. Lydon requested official process to request a public hearing. Board instructed Mr. Lydon to contact Land Use Office, Monday – Wednesday, between 8:00a.m. and 4:00p.m. Chairman Reynolds stated that he has no problem approving permits for the following pits pending a check with the Assessing office: Brown, Thibeault, Townes, Boisvert. For the Townes pit the Board has approved permit, but not request for grandfather status. Stated that Townes needs to go through process for vested rights permit. Board accepted an application for permit renewal from Aggregate Industries. Selectman Cook stated that on March 4, 2002 the Board had a gravel permit discussion. Minutes stated that the permits they gave out last year were good for 15 months, which brings us to this point. Stated there was a discussion of a public hearing to change ordinance, but not sure if it was followed through. Selectman Cook also stated that minutes reflected the permit process which is the permits would come in with application, go to Assessor's office, Assessor would inspect pit, and relay information to Board so they would have this information at permit renewal time.

Safety Complex –

Mr. Frank Campana questioned the Board regarding the access road for the safety complex to Center Road. Chairman Reynolds stated that the road is not included in this phase of the project. Mr. Campana also asked the Board when looking at the proposal to consider how much of a turn-key operation this will be. Stated his concern is, once completed, there will be additional cost for the next several years to the tax payers. Selectman Cook stated he will go out on the line and state that the complex will be complete. Went on to state that the only thing they will need to do is furnish it. Mr. Campana stated that he would like to see the road completed within this budget as well.

4. OLD BUSINESS

Mt. William Inc. -

Selectman Methot stated he was wrong regarding the gravel pit issue and permit renewal. Stated that Mr. Chris Bolton is not required to renew his permit every year due to his vested rights permit.

Police Chief's Contract -

Selectman Methot discussed the Police Chief's contract. Stated that he received a memorandum of understanding and was wondering if there was an additional contract. Selectman Petrain stated that on the memo it stated that a full contract will follow. Selectman Petrain asked how long were negotiations? Chairman Reynolds stated the negotiations started with the Police Commission and then came to the Board. Selectman Petrain then asked if the town attorney was involved? Chairman Reynolds stated he was unsure of the steps taken before it came before the Board. Mr. Forrest Esenwine stated the Police Commission did not have anything to do with the Police Chief's contract. Stated it was the last day of the Police Commission and better left up to the Selectmen. Chairman Reynolds stated that the answer to Selectman Petrain's question is no. Selectman Petrain stated that the contract is a lot of money and is not sure how the Town is going to pay it. Stated that in four years the contract is worth \$100,000.00. Selectman Petrain stated that the contract was not reviewed by Town Counsel, or the Police Commission and asked if the Board of Selectmen signed it the same night it was received. Chairman Reynolds answered, yes. Selectman Methot stated that the breakdown of the amount lists how much is salary, how much is for emergency management, and how much is for ACO. Selectman Petrain stated that this is a huge amount of money. Chairman Reynolds stated that when you consider all the jobs the Chief performs, that it is not. Selectman Methot made the point that the breakdown has not gone out to the general public, and they are going to be furious looking at it without any detail. Selectman Petrain stated her question is what was the Board thinking when they signed the contract? Stated it is unbelievable in her

eyes for any employee. Selectman Reynolds stated he can only speak for himself but the Chief does a lot of jobs and needs to be compensated accordingly. Selectman Petrain stated she does not see how this is fiscally responsible for any employee of the Town. Stated that the Board sat here and argued that they will not give any employee a penny before they are reviewed, then they signed a contract guaranteeing 4% minimum increase per year plus a cost of living increase. Chief Rigney stated that his predecessor had a larger increase than himself every year. His predecessor never went a year without a pay raise. Chief Rigney stated that his first year as Chief, the Selectmen granted him a pay raise and went to the Administrative Coordinator's office and was lost. Stated that Selectman Petrain was the Administrative Coordinator at that time. Selectman Petrain stated that Chief Rigney's sarcasm is noted. Selectman Petrain stated her main concern is how the Town is going to afford this type of contract. Chief Rigney responded that the Town will afford it the same way they would if anyone else was in this position. Stated that the last contract specified 5% per year plus a cost of living increase, and the Town is getting him for 4% a year plus cost of living increase. Selectman Petrain stated that they are working with a default budget. Selectman Cook stated that the salary increase is included in the default budget. Selectman Petrain stated that in her opinion, she does not feel this is a responsible contract for any employee.

Trustees of the Trust Funds -

Selectman Methot stated that he met with the Trustees of the Trust Funds, and still needs to do some research. Stated that in the past, the auditors sent requests to the Trustees and information went from the Trustees back to the auditors. Stated that this process seemed to work and in the last year or the year before that somehow got interrupted or changed. Selectman Cook stated that the Trustees opened information requested by the auditors before handing it over, and that the information was in a sealed envelope. Selectman Cook stated that the purpose of an auditor is to make sure things are going through a third party without it being touched. Selectman Methot stated that the Trustees are requesting a date to have the information ready for the auditors. Selectman Cook stated that this year the auditors will have access to the bank information and will have no need to go through the Trustees. Selectman Methot stated they will still need to go through the Trustees because they hold the accounts. Chairman Reynolds stated that the Board of Selectmen authorized the auditors to go directly to the bank. Selectman Methot stated that the Board does not have that kind of authority and that the Trustees are an elected body. Selectman Cook stated that he does not understand the problem, and there seems to be a big problem with one member on that Board. Selectman Cook asked Selectman Methot if he is making any progress and did he get the \$100,000.00 for Bolton Field? Selectman Methot stated he needs to do some research before making any commitments on that issue.

DRA -

Selectman Petrain stated she spoke to the DRA regarding audits and the Town will have to send in a letter requesting an audit. In the meantime she would like to request a RFP from auditors and Town attorney. Chairman Reynolds stated that there is two more years on the contract for the auditors. Selectman Petrain stated she would like to see the Board look around for alternatives for town attorney. Selectman Reynolds stated he cannot comment on this issue due to a conflict of interest. Selectman Petrain stated she is not comfortable going and asking for a legal opinion at this point. Stated that the last time the Board changed in a big way she believes the legal services changed. Thinks it is a good idea. Requested the Board make a decision on this when Selectman McDonald is present.

Assessing -

Selectman Petrain stated that the Board received a request for Ms. Judy Rogers to be able to stay late in the Assessing office. Stated that if they are going to go with a part - time Assessor, then she feels they should look into a part-time assistant to handle some of the work.

Audit -

Selectman Cook stated that in regards to the audit he is a little baffled on Selectman Methot's comments last week on requesting RFPs. Stated that he feels this was a strange response to the problem that they are having. Should not change auditors to comply with the Trustee to the Trust Funds. Selectman Cook stated that he knows they have a new member and he is an attorney, and is hoping that this person will be of some guidance of the Trustees. Stated we also need to get them to release the \$100,000.00. for Bolton Field. Selectman Petrain stated she thought the problem was with the fund that was used. Selectman Cook stated that the Board of Selectmen had no problems with the intent of the warrant article. Selectman Methot stated he will have an answer by next week.

Meeting Minutes -

Selectman Cook stated he is ready to go over the meeting minutes for March. Chairman Reynolds stated the Board will go over both February and March next week.

Right to Know Request -

Chairman Reynolds stated that he received a call from the public regarding a right to know request. Always understood the policy was such that it had to be requested in writing. Selectman Methot stated that it needs to be the same for everyone. Board discussed option of making right to know requests be requested in writing. Mr. Forrest Esenwine stated that he believes the right to know is the right to know, and not if you sign a paper. Stated it should be available to anybody. Feels that asking

people to sign for public domain material is going too far. Selectman Methot stated if it is going to take some time, then they should fill out a request. Chairman Reynolds stated that any in-depth request should be put in writing.

All Seasons Campground -

Chairman Reynolds discussed All Seasons Campground with the Board. Stated that in the past the Board has taken the stance that no exceptions be made for the months of March and November. Chairman Reynolds stated he wants to make sure the Board is in agreement. Selectman Petrain stated she definitely feels no one should be living there year round, but in an emergency situation, consideration should be given. The Board all agreed no access for the months of March and November.

Motion Directory -

Chairman Reynolds presented the Board with updated motion directory. Chairman Reynolds discussed upcoming tasks for future meetings.

Code of Ethics -

Chairman Reynolds then discussed Code of Ethics. Stated that they need to add a provision for investigating any violations, and also where to report violations and file official complaints. Selectman Methot stated that they need an independent group to address these issues. Chairman Reynolds disagreed. Selectman Methot stated that the group does not need to be made up of just town's people. Stated he will come up with some ideas.

Manifests -

Chairman Reynolds authorized the Board of Selectmen to sign manifests and order the Treasurer to sign checks dated April 3, 2003. Accounts Payable - \$36,705.39, Gross Payrolls - \$24,234.68, for a total of - \$60,940.07, and one voided check in the amount of \$666.80. Seconded by Selectman Petrain. A vote was taken. All in favor.

5. NEW BUSINESS

Gravel Pit -

Selectman Methot discussed the possibility of the Board giving up the task of gravel pit renewal to the Planning Board. Stated they will need to conduct a Public Hearing. The Board was in agreement.

Trustees of the Trust Funds -

Selectman Methot asked if the Trustees of the Trust Funds are bonded. Requested Chairman Reynolds check into this.

Town Hall Locks -

Selectman Methot asked why the locks have been changed. Stated that previously the Selectmen only needed one key to enter all doors. Chairman Reynolds stated this was due to an employee leaving.

Firearms -

Selectman Methot stated that in Deerfield they have an ordinance that no one carry firearms on school property with the exception of officers. Stated that they are now extending it to the town offices. Stated that this may be something for the Board to consider. Mr. Forrest Esenwine stated that laws like these do not work because criminals intending to do harm are not going to follow an ordinance.

Economic Development -

Selectman Petrain stated that Mr. William Stafford resigned from the Economic Develop Committee. Stated that one of the things that the committee would like to know is what direction the Board would like to see them go. Selectman Cook stated that he feels they would be very important in the updating of the master plan. Stated he guesses committee can be as much as they want to put into it. Stated that he realizes there has been a lack of support on some issues, but would not like to see the committee dissolved. Stated that maybe they can meet quarterly. Maybe they can get some help at the state level on economic development. Selectman Petrain stated that they had interest in meeting with other towns to discuss group economic development. Selectman Methot stated he will try to make the next meeting.

Benefit Review Committee -

Selectman Petrain informed Board that the Benefit Review Committee is meeting on April 3rd.

Planning Board Appointment -

Selectman Petrain made motion to appoint Mr. Ed Piscopo from alternate member to full member of Planning Board with an expiration date of 2005. Seconded by Selectman Methot. A vote was taken. Motion passed unanimously.

Computer Software -

Selectman Cook moved to expend an additional expenditure of \$500.00 for computer virus software. Seconded by Selectman Methot. A vote was taken. Motion passed unanimously.

Computer Purchase -

Chairman Reynolds moved to purchase computers not to exceed \$1,500.00. Seconded by Selectman Cook. A vote was taken. Motion passed unanimously.

Master Plan -

Selectman Cook stated he wanted to address newspaper articles. Stated that in the New Boston Bulletin there is a very good article on updating of a master plan. He recommends people to read it.

Senator Gregg -

Selectman Cook stated that on the calendar for the committee meetings there is a memo regarding Senator Gregg. Stated staff will be holding local office hours here from 1:00 p.m. to 2:00 p.m. on April 24th. Selectman Cooke thanked the person responsible for listing this information.

Planning Board -

Selectman Methot stated that the Planning Board recommended Board approve purchase of Assessing software. Stated that it costs \$6,000.00, and does not know where the money would come from but feels it is a good idea. Selectman Cook stated he is in agreement with the software. Stated they should look in the budget and see if we can come up with the money. Chairman Reynolds stated maybe it could wait until later in the year and see what money is available.

Assessing Department -

Chairman Reynolds asked Board if they are going to approve Ms. Judy Rogers to work additional hours on a short term basis? Stated that she is looking for compensation time to be taken later in the year. Selectman Petrain stated she is in favor of the additional hours. Selectman Cook stated that the only issue he has is comp. time. Stated in the past they have had issues with comp. time. Board agreed paying her would be a better decision.

Administrative Coordinator -

Chairman Reynolds stated that Ms. Donna Matheson is requesting elevated rate of Administrative Coordinator for entire day due to the fact that she is doing two jobs. Selectman Cook stated that Ms. Matheson is doing a very good job keeping things in line, and has not heard any complaints. Feels she should be given the higher rate. Selectman Methot moved to authorize the higher pay level until an Administrative Coordinator is hired. Seconded by Selectman Cook. Chairman Reynolds recused himself. A vote was taken. Motion passed with 3 in favor, 1 abstention.

6. NONPUBLIC SESSION

Chairman Reynolds moved that Board of Selectmen enter into Nonpublic Session at 9:40 p.m. pursuant to the authority granted by RSA 91-A:3 II (c). Seconded by

Selectman Petrain. A roll call vote was taken. Selectman Methot – yes; Chairman Reynolds – yes; Selectman Petrain – yes; Selectman Cook – yes. Motion passed unanimously.

In Attendance: Chairman Reynolds, Selectman Cook, Selectman Petrain, Selectman Methot, Kelly Bumpus.

Chairman Reynolds moved to come out of Nonpublic Session at 9:50 p.m. Seconded by Selectman Methot. A roll call vote was taken. Selectman Methot – yes; Chairman Reynolds – yes; Selectman Petrain – yes; Selectman Cook – yes. Motion passed unanimously.

7. ADJOURNMENT

Chairman Reynolds moved to adjourn at 9:50 p.m. Seconded by Selectman Cook. A vote was taken. Motion passed unanimously.

A True Record

Kelly Bumpus, Recording Secretary